



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2350-00

28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 13 January 1969 at the age of 18.

Your record reflects that you served for a year and six months without incident but on 3 June 1970 you received nonjudicial punishment (NJP) for being incapacitated for duty due to intoxication and misbehavior as a sentinel. The punishment imposed was extra duty for 30 days and a \$150 forfeiture of pay. Shortly thereafter, on 10 July 1970, you were convicted by summary court-martial (SCM) of sleeping on post and urinating on a wall or floor. You were sentenced to reduction to paygrade E-3 and a \$50 forfeiture of pay. On 2 September 1970 you were convicted by special court-martial (SPCM) of eight specifications of assault by throwing hand grenades. You were sentenced to reduction to paygrade E-1, confinement at hard labor for six months, a \$815 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed. On 5 May 1971 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, record of medals, and your combat history. The Board also considered your contention that you were under a great amount of stress from being in combat, and you were drunk when you threw the grenades, but did not throw them at any particular person or thing. The Board further considered your request for recharacterization of your discharge so that you may obtain veteran's benefits for your post traumatic stress disorder (PTSD) and other disabilities. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in NJP and two court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director